



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 6, 1998

Mr. Sim W. Goodall  
Police Legal Advisor  
Arlington Police Department  
P.O. Box 1065  
Arlington, Texas 76004-1065

OR98-0368

Dear Mr. Goodall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112647.

The Arlington Police Department (the "department") received a request for information relating to a sexual assault that occurred on July 4, 1997. The department has identified an offense report that is responsive to the request. You contend that portions of the offense report are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

You state that you have released the front-page offense report information with the exception of the information that identifies the sexual assault victim. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Information that identifies a sexual assault victim is protected by the common-law right to privacy and excepted from disclosure under section 552.101 of the Government Code. *See* Open Records Decision No. 339 (1982). Thus, we agree that the department must not release front-page offense report information that identifies the victim.

For the reasons stated below, we conclude that the department may withhold the remainder of the offense report from disclosure. Section 552.108 provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You state that a sexual assault charge is pending against the suspect in this case. Thus, releasing the remainder of the offense report would interfere with a pending prosecution. Accordingly, we find that the department may withhold this information from disclosure under section 552.108(a)(1).<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 112647

Enclosures: Submitted documents

cc: Mr. Bob Jones  
P.O. Box 185  
Azle, Texas 76020  
(w/o enclosures)

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<sup>1</sup>Because we are able to resolve this matter under section 552.108, we need not address your claim that section 552.101 also protects the remainder of the offense report from disclosure. However, we urge you to exercise caution in releasing any of this information to the public. See Gov't Code § 552.352.